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**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

_____)
IN THE MATTER OF AN INQUIRY
CONCERNING THE PRACTICE OF:

RONALD ALTSCHULER, D.C.

LICENSED TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY
_____)

Administrative Action

STIPULATION OF SETTLEMENT
AND CONSENT ORDER

This matter was opened to the New Jersey State Board of Chiropractic Examiners (the "Board"), upon receipt of information that Ronald Altschuler, D.C., (hereinafter "respondent"), had entered into a Consent Agreement with the State of New Jersey, Department of Insurance, Insurance Fraud Division resolving certain allegations stemming from an investigation of respondent's professional relationship with two (2) diagnostic testing

companies.

Respondent appeared with counsel and gave testimony before an investigative committee of the Board on October 7, 1993. Respondent testified that following diligent inquiry, he contracted with these testing companies from November, 1991 to December, 1992. During that time, the testing company billed for 48 tests covering 44 of Dr. Altschuler's patients, all on referrals by respondent to the testing companies. The billings were presented for payment by the testing companies, but contained the name "Dr. Altschuler" without an indication that respondent was a chiropractic physician. Dr. Altschuler, however, did simultaneously bill for chiropractic treatments of these patients and appropriately used his designation as a chiropractic physician. It appears that respondent received payments for the technical component of certain testing, yet respondent admitted under oath before the Board that he did no part of the technical component performed by technicians from the testing companies while Dr. Altschuler was on the premises. Dr. Altschuler does allege that he conferred frequently with several neurologists who interpreted the test results regarding appropriate treatment plans for the patients.

The Board's investigation revealed that all of the patients referred by Dr. Altschuler to the testing companies actually received services and the majority of the patients involved were

ordinary patients of respondent, with only a few who had been involved in automobile accidents. As part of its investigation, the Board also reviewed 20 randomly selected additional patient files of respondent but the Board has found no basis to take any further disciplinary action concerning these 20 additional files.

Based upon its review of this entire matter, and based upon the admissions made by respondent during the course of investigation, the Board concludes that respondent has violated N.J.S.A. 45:9-14.5 due to the billings by the testing companies in the name of "Dr. Altschuler" without specifically qualifying this title by using the word "chiropractor." Further, the Board finds that respondent has engaged in the use of fraud, deception or misrepresentation in violation of N.J.S.A. 45:1-21(b) due to the billings by the testing companies for the technical component of 42 diagnostic tests when respondent actually performed no services.

The Board notes that respondent and many other licensees engaged these testing companies to perform services. In mitigation of respondent's violation, respondent's period of involvement, was for approximately only one year in 1991 and 1992. The Board also notes that subsequent to that time, rulings and regulations promulgated by the Board have emphasized and clarified the proper relationship of licensees with diagnostic testing companies.

The parties being desirous of resolving this matter without resort to further proceedings and the Board finding that the within Order is adequately protective of the public interest,

IT IS ON THIS 7th DAY OF July, 1998

ORDERED:

1. The license of respondent, Ronald Altschuler to practice chiropractic in the State of New Jersey is hereby suspended for a period of five (5) years, the first three (3) months to be served as an active period of suspension, with the remainder to be served as a period of probation. The period of active suspension shall commence on June 1, 1998.

2. The following conduct shall apply to respondent during the period of suspension:

A. During the period of suspension, respondent shall truthfully report to any patient who makes inquiry of the suspended status of his license.

B. During the period of active suspension, respondent shall not occupy, share or use office space in which another licensee practices the profession, however, respondent may complete administrative work only on the premises where his associate now practices.

C. During the period of active suspension, respondent shall, refrain from furnishing any professional services, giving an

opinion as to the professional practice or its application or any advice with relation thereto, and from holding himself out to the public as being entitled to practice the profession or in any way conveying to the public the impression that he is authorized to practice chiropractic.

D. During the period of active suspension, respondent shall refrain from the placement of any new advertisement or new professional listing in any advertising medium indicating eligibility for a practice in good standing.

E. During the period of active suspension, respondent may not use any stationery whereon his name appears as a professional in practice; respondent may use said letterhead for administrative work only. Respondent's associate, however, may continue to use the existing letterhead.

F. During the active period of suspension, respondent shall not receive a fee or draw for professional services performed; respondent may be paid the reasonable value of services lawfully rendered and disbursements incurred prior to the effective date of the suspension. Any and all overhead and other expenses may be paid from the professional services performed by respondent's associate.

G. During the period of active suspension, respondent's associate may use the office premises and may use existing

letterhead and billing statements bearing the name Advanced Englewood Chiropractic and/or the associate's name.

H. During the period of active suspension, respondent is permitted to give chiropractic opinions, whether under subpoena or not, solely regarding treatment of patients treated by respondent prior to the date of suspension.

3. Respondent is hereby assessed civil penalties and costs for the use of the State in a total amount of \$5,000, which shall be paid in equal monthly installments over a period of six (6) months beginning on June 8, 1998 with a payment of \$833.33 by certified check or money order made payable to the New Jersey State Board of Chiropractic Examiners with a similar payment to be made by the first day of each month thereafter until the entire amount is paid. Should respondent fail to make the appropriate payments by the tenth day of each month, the Board may elect in its sole discretion to declare the entire amount due and owing and make immediate demand upon respondent to pay the entire amount due. Failure to remit such payment may result in an application for further sanctions against respondent's license pursuant to N.J.A.C. 13:45C-1.4 for failure to comply with an order duly entered.

4. The Board specifically notes and agrees that no further action will be taken against respondent based upon the 20